IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 15663 of 2007

DATED: 24.7.2007

Between:
M.Nookaraju
petitioner

And

The Union of India,
Rep by its Secretary,
Ministry of Communication,
Department of Telecom
New Delhi & ors **Respondents**

THE HON'BLE MR JUSTICE N.V. RAMANA

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ORAL ORDER:

The present writ petition is filed questioning the action of the respondents in not promoting the petitioner to the post of Junior Telecom Officer by relaxing the standards as illegal and arbitrary.

The petitioner claims that he belongs to Schedule Caste Community and joined the respondent organization as Clerk in the year 1977. The petitioner appeared for test to promotion to the post of Junior Engineer (presently Junior Telecom Officer) in the year 1984 and alleges that the results of the said test were not declared, though he has made several representations. The petitioner contends that in respect of Scheduled Caste and Scheduled Tribe candidates, as per the relaxed standards, even if a Scheduled Caste and Scheduled Tribe candidate does not obtain qualifying marks, he should be treated as if qualified and his case should be considered for promotion. In support of his contention, he referred to a case of one Mr. V.D. Shindre of Mumbai circle, who was considered for promotion, though he failed in the qualifying examination. Hence, the present writ petition seeking a direction to the respondents to consider the case of the petitioner for promotion to the post of Junior Telecom Officer by extending relaxed standards in respect of SC/ST candidates.

Heard the learned counsel for petitioner and learned counsel for respondents.

The present writ petition is liable to be dismissed on more than one ground, including on the ground of laches, inasmuch as the petitioner is seeking promotion to the post of Junior Telecom Officer on the basis of the examination held in the year 1984. The petitioner after long lapse of time issued legal notice dated 8.9.2006 requesting the authorities to issue the marks list of the Departmental Test held in the year 1984 and the same was rejected by reply notice dated 7.11.2006 on the ground that as per para 17 of Appendix 37 P & T Vol IX Part II (A) the answer sheets and marks list are preserved for a period of 10 years only, whereas the petitioner applied for the same after lapse of 22 years. Be that as it may, even on merits of the matter, the petitioner has not referred to the particular provision of law, which prescribes relaxation to him nor produced any material to substantiate his claim that he is entitled for relaxation of minimum qualifying marks. In the absence of the same, no direction can be given to extend the relaxation of qualifying marks on the ground that similarly situate person was granted such relaxation. It is settled law that an irregularity or mistake, if any committed, neither confers any right nor can it be perpetuated. The petitioner has not made out any ground for interference of this Court.

There are no merits in the writ petition and accordingly, the same is dismissed. No costs.

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N.V.RAMANA,J

DATED: 24.7.2007

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